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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,971	07/30/2003	Glenn Morris	500699.000009	9526
37141	7590	06/22/2006	[REDACTED]	EXAMINER
FORTKORT GRETHER & KELTON LLP 9442 N. Capital of Texas Hwy. Arboretum Plaza One, Suite 500 AUSTIN, TX 78759			[REDACTED]	YAM, STEPHEN K
			[REDACTED]	ART UNIT
			[REDACTED]	PAPER NUMBER
			2878	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,971	MORRIS, GLENN	
	Examiner Stephen Yam	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 and 10-17 is/are rejected.
- 7) Claim(s) 9 and 18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892) .
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This action is in response to Applicant's appeal brief filed April 24, 2006. The prior Final Office Action is hereby vacated and is replaced with the present Final Office Action. Claims 1-18 are currently pending. Examiner has modified the rejection for Claims 8 and 17 (while maintaining the same ground of rejection) based upon Applicant's previous challenge of a factual assertion and Examiner's already-presented evidence using Perkins US 2002/0124779 to support the factual assertion, so that the application can be placed in proper condition for appeal. Furthermore, Claims 9 and 18 are now objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since Examiner's modification to the rejection of Claims 8 and 17 is necessitated only by applicant's rebuttal of the factual assertion and does not constitute a new ground of rejection, this action is made final (see MPEP 2144.03).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Zak US Patent No. 6,690,003.

Regarding Claims 1 and 10, Zak teaches (see Fig. 1, 3) a laser light actuation system and method for remotely and selectively actuating a function of a known apparatus (50) (see Col. 3, lines 47-51), the system and method comprising a laser module (10) adapted to produce a known laser light signal suitable for transmission over a long distance (see Col. 2, lines 56-62), and a receiver module (20) adapted to receive and detect the known laser light signal and selectively produce an actuation signal in response to the known laser light signal to selectively actuate such an apparatus (see Col. 3, lines 12-15), the receiver module further comprising a timer (30) operatively associated with the receiver module to selectively limit the time of actuation of such an apparatus in response to the laser light signal (see Col. 3, lines 17-21).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak in view of Applicant's admitted prior art.

Regarding Claims 2 and 11, Zak teaches the system and method in Claims 1 and 10, according to the appropriate paragraph above. Zak also teaches the system for use in an industrial environment (see Col. 4, lines 29-31). Zak does not teach an electromechanical feeder operatively associated with the receiver module and adapted to be selectively actuated to release feed in response to detection of the known laser light signal by the receiver module. Applicant's

admitted prior art teaches (see Fig. 1) a system with an electromechanical feeder (19) operatively associated with a receiver module (16) and adapted to be selectively actuated to release feed in response to detection of a known signal by the receiver module (see Paragraph 0002, 0005). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electromechanical feeder operatively associated with the receiver module and adapted to be selectively actuated to release feed in response to detection of the known signal by the receiver module, as taught by Applicant's admitted prior art, in the system of Zak, to provide remote control of devices in an agricultural environment.

5. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak in view of Teremy et al. US Patent No. 5,541,695.

Regarding Claims 3 and 12, Zak teaches the system and method in Claims 1 and 10, according to the appropriate paragraph above. Zak does not teach the laser module is adapted to produce a known, sparsely modulated laser light signal. Teremy et al. teach (see Fig. 1 and 3-5) a similar system and method, with a laser module (10) producing a known, sparsely modulated laser light signal (see Fig. 4 and 5 and Col. 3, lines 55-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the laser module adapted to produce a known, sparsely modulated laser light signal, as taught by Teremy et al., in the system and method of Zak, to provide multiple control signal types for each device to provide additional control of functionality, as taught by Teremy et al. (see Col. 2, line 64 to Col. 3, line 7, Col. 3, line 55 to Col. 4, line 12).

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6. Claims 4-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak (in view of Teremy et al. for Claims 3 and 12 or in view of Applicant's admitted prior art for Claims 5 and 14) in view of Schwartz US Patent No. 5,079,646.

Regarding Claims 4-6 and 13-15, Zak (in view of Teremy et al. for Claims 3 and 12 or in view of Applicant's admitted prior art for Claims 5 and 14) teaches the system and method in Claims 1, 2, 10, and 11, according to the appropriate paragraph above. Zak does not teach a telescopic sight operatively associated with the laser module to accommodate selective directing of the known laser light signal through use of the telescopic sight. Schwartz teaches a telescopic sight operatively associated with a laser module to accommodate selective directing of the laser light signal through use of the telescopic sight (see Col. 1, lines 39-46 and Col. 1, line 66 to Col. 2, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a telescopic sight operatively associated with the laser module to accommodate selective directing of the known laser light signal through use of the telescopic sight, as taught by Schwartz, in the system and method of Zak (in view of Teremy et al. for Claims 3 and 12 or in view of Applicant's admitted prior art for Claims 5 and 14), to increase the accuracy and range for operating the laser module by an operator.

7. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak in view of Teetzel US Patent No. 5,526,749.

Regarding Claims 7 and 16, Zak teaches the system and method in Claims 1 and 10, according to the appropriate paragraph above. Zak does not teach a detonator operatively associated with the receiver module and adapted to be selectively actuated to detonate in

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response to detection of the known laser light signal by the receiver module. Teetzel teaches an explosive device with a detonator (see Col. 4, lines 54-56) operatively associated with a receiver module (114) and adapted to be selectively actuated to detonate in response to detection of a known laser light signal by the receiver module (see Abstract and Col. 4, lines 31-37, 54-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a detonator operatively associated with the receiver module and adapted to be selectively actuated to detonate in response to detection of the known laser light signal by the receiver module, as taught by Teetzel in the system and method of Zak, to provide remote actuation of an explosive device for accurate detonation.

8. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaje US Pre-grant Publication No. 2003/0122665 (hereinafter Kaje '665) in view of Official Notice, as evidenced by Perkins US Pre-grant Publication No. 2002/0124779.

Regarding Claims 8 and 17, Kaje '665 teaches (see Fig.) a laser light actuation system and method for remotely and selectively actuating a function of a known electromechanical gate (see Claim 1, line 2 of Kaje), the system and method comprising a laser module (1) adapted to produce a known laser light signal (2) suitable for transmission over a long distance (see Fig.), a laser receiver module (3) adapted to receive and detect (see Paragraph 0017) the known laser light signal selectively produce an actuation signal (to the gate/door/barrier) (see Abstract, lines 4-7) in response to the known laser light signal to selectively actuate such an electromechanical gate operatively associated with the laser receiver module and adapted to be selectively actuated in response to the detection of the known laser light signal by the laser receiver module (see

Paragraph 0017 and Claim 1, lines 1-5 of Kaje), and wherein the laser receiver module is adapted to be positioned in use in a location known to a user (see Fig.). Kaje does not teach the laser receiver module in a *selectively concealed* location known to a user. It is well known in the art to conceal a security device in a location only known to individuals who are permitted entry, to prevent tampering of the device and the knowledge of the existence of the device in defeating the security device, as evidenced by Perkins, which teaches concealing a security device in a location only known to individuals who are permitted entry (see Paragraph 0006, 0007 and 0024), to prevent tampering of the device and the knowledge of the existence of the device in defeating the security device (see Paragraph 0006 and 0024). It would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the laser receiver module in a *selectively concealed* location known to a user, as taught by Official Notice and evidenced by Perkins, in the system and method of Kaje, to increase the security of the secured areas by preventing unauthorized individuals from having knowledge of the security device and tampering with it.

***Allowable Subject Matter***

9. Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

Regarding Claims 9 and 18, the invention as claimed, specifically in combination with the laser receiver module in a *selectively concealed* location known to a user, and a radio module adapted to produce a known radio signal and a radio receiver module adapted to receive and detect the known radio signal and selectively produce an actuation signal in response to the known radio signal to selectively actuate a barrier device operatively associated with the radio receiver module and adapted to be selectively actuated in response to the detection of the known radio signal by the radio receiver module in order to enable the laser receiver module to receive the known laser light signal (with the barrier device being a distinct component from the electromechanical gate), is not disclosed or made obvious by the prior art of record.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (571)272-2449. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571)272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SY



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PRIMARY EXAMINER